

Remarks

A. Claims in the Case

Claims 1, 4-11, and 14-25 are pending. Claims 2, 3, 12, and 13 have been cancelled. Claims 1, 4-11, and 14-22 have been amended. Claims 23-25 are new.

B. The Claims Are Not Anticipated by Emura Pursuant to 35 U.S.C. § 102(e)

Claims 1, 4-11, and 14-22 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,122,662 to Emura (hereinafter "Emura"). Applicant respectfully disagrees with these rejections.

Amended claim 1 is directed towards a multimedia information playback apparatus which includes a combination of features including, but not limited to, the features of:

first input means for receiving multimedia information including video data and audio data distributed from a first distribution source, wherein the first distribution source comprises a storage device for storing the multimedia information, and wherein a user side comprises the first distribution source;

second input means for receiving control information distributed from a second distribution source, wherein the second distribution source comprises a network server for distributing the control information; and

playback means for playing back the multimedia information received by said first input means on the basis of the control information received by said second input means, and wherein the playback means plays back the multimedia information which is distributed from the storage device and received by said first input means, on the basis of the control information which is distributed from the network server and received by said second input means.

Support for the amendments are found in original claim 2 and in Applicant's Specification, which states in part:

The multimedia information playback apparatus according to the first embodiment can play back video and audio contents in an VOB file as multimedia information, and can also switch a playback mode in playback. The playback mode includes the first and second playback modes. In the first playback mode, the multimedia information playback apparatus analyzes control information recorded on a DVD-ROM, and controls read of multimedia information. Note that analysis and read control of control information are done by a program (to be referred to as a first navigator hereinafter) in the multimedia information playback apparatus. In the second playback mode, the multimedia information playback apparatus controls read of multimedia information in accordance with a program (to be referred to as a second navigator hereinafter) set based on data received from an external server. In switching the playback mode, the multimedia information playback apparatus performs authentication with the external server present outside the apparatus.

(Specification, page 6 line 11 through page 7, line 4).

As shown in Fig. 2, the multimedia information playback apparatus 1 may include a navigator holding unit 30, playback mode switching unit 40, user request reception unit 50, video read unit 70, decoder unit 71, video display unit 72, and audio output unit 73. The navigator holding unit 30 is constituted by the CPU 11, RAM 12, and ROM 19. In the first playback mode, the navigator holding unit 30 holds a program for operating the CPU 11, i.e., the first navigator, reads out an IFO file or the like recorded on a DVD-ROM 80 in advance, analyzes the contents, and performs read control of the video read unit 70.

(Specification, page 8 line 27 through page 9, line 12).

Emura does not appear to teach or suggest all the features of the claims including, but not limited to, the features of “wherein a user side comprises the first distribution source.” Emura appears to teach a server that has a hard disk that stores audio-video streams which also has a stream transmitting section for transmitting the readout AV stream to a terminal apparatus.

Emura states:

FIG. 14 show a video-on-demand system according to a fourth embodiment of the invention. As shown in Fig. 14, a video server apparatus of this system consists of a hard disk 101 for storing AV (audio-video streams 101a, a hard disk 102 for storing an access table 102b to be used in accessing the AV streams 101a, a stream reading section 103 for reading out an AV stream 101a from the hard disk 101, a stream transmitting section 104 for transmitting the readout AV stream to a terminal apparatus...

(Emura, column 16, lines 7-15).

The combination of the features of claim 1 do not appear to be taught or suggested by Emura. As such, claim 1 and the claims dependent thereon (claims 4-10 and 23) are patentable over Emura.

Emura does not appear to teach or suggest the combination of features of claim 4 including a first playback mode that operates using only control information from the storage device, and a second playback mode that operates using only the control information from the server. Claim 4 states:

the playback means has a first playback mode in which said playback means plays back the multimedia information which is distributed from the storage device and received by said first input means, on the basis of the control information which is distributed from the storage device and received by said second input means, and wherein the play back of the multimedia information which is distributed from the storage device and received by said first input means, on the basis of the control information which is distributed from the network server and received by said second input means by the said playback means is a second playback mode, and the apparatus further comprises switching means for switching a playback mode to either one of the first and second playback modes.

Emura appears to teach a decoder control section that operates using both the control information from the storage device and the server. Referring to Fig. 14, Emura states:

a stream receiving section 110 for receiving an AV stream from the video server apparatus, a decoder section 112 for decoding the received AV stream, and a decoder control section 205 for controlling the decoder section 112 so that decoding is performed at the keyframe playback interval that is obtained from the control information receiving section 204 when the playback mode that is obtained from the stream receiving section 110 is changed to a high-speed playback mode.

(Emura, column 16, lines 31-42).

The features of the claim 4 in combination with the features of independent claim 1 do not appear to be taught or suggested by Emura.

Emura does not appear to teach or suggest the features of claim 10 including, but not limited to, the features of the control information containing “a program for checking user operation contents, and when user operation is detected during playback of the multimedia information, said playback means executes the program, and plays back multimedia information corresponding to the user operation contents.” Emura appears to teach a command that is received from a user being transmitted back to the server and the server executes the corresponding operation. Emura states:

A signal that is input from the input device 116 is converted, by the input control section 113 of the terminal apparatus, into a program designation command and commands indicating a playback start position and a playback speed, which commands are transmitted from the command transmitting section 109 to the command receiving section 106 of the video server apparatus. (Emura, column 16, lines 49-55).

The features of claim 10 including, but not limited to, the feature of, “plays back multimedia information corresponding to the user operation contents,” in combination with the features of independent claim 1 do not appear to be taught or suggested by Emura.

For at least the reasons stated above, independent claims 11, 21, and 22 are patentable are patentable over Emura. For at least the reasons stated above that the claims dependent on independent claims 11 and 22 (claims 14-20, 24, and 25, respectively) are patentable over Emura.

Applicant respectfully requests removal of the obviousness rejections of claims 1, 4-11, and 14-22.

C. **The Claims Are Not Obvious Over Emura In View Of Kamo Pursuant to 35 U.S.C. § 103(a)**

Claims 5 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Emura in view of U. S. Published Application No. 2002-0057694 to Kamo (hereinafter “Kamo”). Applicant respectfully disagrees with these rejections.

For at least the reason stated above, Emura does not appear to teach or suggest the features of independent claims 1 and 11.

Claims 5 and 15 state in part, “authentication means for authenticating the network server upon reception of a switching request signal from a user” and “authenticates the network server as an authentic network server.” The features of claims 5 and 15 in combination with the features of independent claims 1 and 11 do not appear to be taught or suggested by Emura in view of Kaomo.

Applicant respectfully requests removal of the obviousness rejections of claims 5 and 15.

D. The Claims Are Not Obvious Over Emura In View Of Dan et al. Pursuant to 35 U.S.C. § 103(a)

Claims 7, 9, 17, and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Emura in view of U. S. Patent No. 5,561,637 to Dan et al. (hereinafter “Dan”). Applicant respectfully disagrees with these rejections.

For at least the reason stated above, Emura does not appear to teach or suggest the features of independent claims 1 and 11.

Emura alone or in combination with Dan does not appear to teach or suggest the features of claims 7 and 17 including, but not limited to, the features of generating “group management information for managing a plurality of users having similar personal information as one group.”

The Office Action states, “Emura does not disclose generating “group management information for managing a plurality of users having similar personal information as one group.” Dan does not appear to teach or suggest managing a plurality of users having similar personal

information as one group. Dan appears to teach managing a group viewing a multicast with an assigned leader. Dan states:

One way to integrate both the client pull and server push strategies is to designate a particular client for a given multicast group (i.e. a group of clients viewing the same video as part of the same session) as the leader. The identity of the clients in each multicast group is maintained in a data structure (stored in the memory or the disk) which is shared by the session manager and the video player. When the leader requires the next block of the video, it sends a pull request to the server. The server treats this as a request on behalf of all clients in the multicast group. Thus, in response to the pull request the server pushes (multicasts) the requested block of the vide to all clients, thus creating a hybrid push/pull system. (Dan, column 2, lines 61 through column 3 line 6).

The features of the claims including, but not limited to “group management information for managing a plurality of users having similar personal information as one group” do not appear to be taught or suggested by Dan. Applicant further submits that the features of the claim as recited in claims 7 and 17 are not obvious by choice or design. Portions of the aforementioned rejections appear to be set forth in facts within the personal knowledge of the Examiner and therefore Applicant believes MPEP 2144.03 will apply. Pursuant to MPEP 2144.03, Applicant respectfully requests the Examiner to provide support for his assertion either by an affidavit or by references brought to the Applicant’s attention. Otherwise, Applicants request this rejection be removed. *See, e.g.*, MPEP 2143.01.

For at least the reasons stated above, the features of claims 7 and 17 in combination with the features of independent claims 1 and 11 do not appear to be taught or suggested by Emura in view of Dan.

Claims 9 and 19 state in part, “distributes multimedia information of digital broadcasting having a plurality of channels...” The features of claims 9 and 19 in combination with the features of independent claims 1 and 11 do not appear to be taught or suggested by Emura in view of Dan.

Applicant respectfully requests removal of the obviousness rejections of claims 7, 9, 17, and 19.

E. The Claims Are Not Obvious Over Emura In View Of Brown et al. Pursuant to 35 U.S.C. § 103(a)

Claims 8, and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Emura in view of U. S. Patent No. 6,732,179 to Brown et al. (hereinafter “Brown”). Applicant respectfully disagrees with these rejections.

For at least the reason stated above, Emura does not appear to teach or suggest the features of independent claims 1 and 11.

Emura alone or in combination with Brown does not appear to teach or suggest the features of claims 8 and 18 including, but not limited to, the features of determining “whether to receive the change operation, in accordance with personal information of the user.” Brown appears to teach determining whether to permit access to a source. Brown states, “The database has a record for each user of the client 112 and associates the record with the user's login information. The client 112 can provide the user's login information to other servers in the network 128 when necessary to authenticate the user” (Brown, Column 7, lines 27-32).

The features as cited in claims 8 and 18 do not appear to be obvious modifications of Brown. Obviousness can only be established by “showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teaching of the references.” *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988).

For at least the reasons stated above, the features of claims 8 and 18 in combination with the features of independent claims 1 and 11 do not appear to be taught or suggested by Emura in combination with Brown.

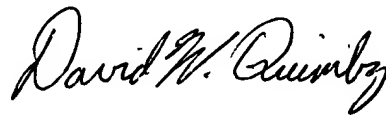
Applicant respectfully requests removal of the obviousness rejections of claims 8 and 18.

F. Summary

Based on the above, favorable reconsideration is respectfully requested.

Applicant believes that fee are due with the filing of this response. If an extension of time is required, Applicant hereby requests the appropriate extension of time. Should any fees be required, the Commissioner is authorized to charge those fees to Meyertons, Hood, Kivlin, Kowert & Goetzel Deposit Account No. 50-1505/5664-00100/EBM

Respectfully submitted,



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